

On his office wall hangs a sketch of a white hand uplifting a black one. In Hebrew and English, it reads, "Thou shalt not stand idly by."

And stand by he hasn't.

FLEEING HITLER

His Jewish family lived in Poland as Hitler came to power. With the rise of Nazi control in 1936, his parents fled their home with forged Swedish passports. They traveled through Germany and on to France, where they settled in Paris.

In 1938, his mother gave birth to Armand, her first child. During Derfner's first year of life, Hitler's aggression escalated, and his troops expanded their control. The next year, the Nazis invaded Poland.

His parents, foreseeing that Hitler would not stop there, tried to get passports to the United States—but couldn't.

Finally, as the Nazis began to invade France, Derfner's mother got the passports. His father raced to the U.S. Consulate to get American visas. But the consulate was packed up and the workers heading out. One worker still there broke open a locked desk drawer and stamped the visas.

It was June 12, 1940, Derfner's second birthday.

They left Paris by train just hours before the Nazi troops arrived. By June 14, Nazis occupied the city.

The Derfners fled south and stopped in Bordeaux. They crossed by train into Spain and then to Portugal, where they boarded a Greek ship, the *Nea Hellas*, on its way to New York.

Exactly one month later, on July 12, they landed in New York.

Derfner grew up mostly in New York, surrounded by fellow Jewish immigrants with similar family stories. Many older people he knew had numbers tattooed on their forearms.

Derfner's parents never again saw their families in Poland. "Everyone was killed in concentration camps," he says, turning emotional.

Years later, Derfner would sit with his mother to look at family pictures. On a good day, she could make it through four or five names before breaking down. "Everyone she'd ever known was gone."

"In my family, there's always been this sense that there is supposed to be justice in the world, and we're supposed to help people get it," he says. Even before the Holocaust, his father's family had gone to Palestine in the 1920s to fight the British. "Maybe it's a family tradition."

Today, Derfner's younger brother, Larry, is a journalist in Israel who covers the conflict there for U.S. News & World Report and the Jerusalem Post, an English-language newspaper. His sister, Suzanne, is a lawyer for children with disabilities in California.

After growing up, Derfner got his undergraduate degree from Princeton and then graduated from Yale Law School in 1963, Derfner—and the nation—was focused on the civil rights movement.

He was among those who headed into law "as an engine for social change," McClain says.

In college, Derfner clerked for the chief judge of a U.S. court of appeals and then landed a job at Covington & Burling, among the most prestigious firms in Washington, DC. He began traveling to Mississippi for stints to work in civil rights cases.

When a civil rights law group needed a full-time attorney, he packed up and moved south. Soon after, in 1968, he argued his first case before the U.S. Supreme Court, an early Voting Rights Act case.

Derfner was just 29, a young liberal standing before the court's renowned liberals, Earl

Warren and Hugo Black, who grilled him good.

"They were giants then," he recalls. "And it was such an exciting experience, so exciting to see the court looking at laws and consulting in a way I thought was so good for the country."

OLD MISSISSIPPI

When he moved to Mississippi, he was joined by his first wife, Mary Frances. They'd met in Washington. She was from an old Charleston family named Legare, he was a New York son of Jewish immigrants.

Different as they could have been, they shared a passion for civil rights. And they were about to become partners in risky work.

When Derfner landed in Mississippi in the late 1960s, a man he didn't know greeted him at the airport. "Hello, Mr. Derfner." He was followed day and night. And he was threatened. His dog was poisoned. He was arrested and jailed for contempt of court.

And while driving down a highway with May Frances one day, a bullet smashed through the passenger window beside her, shattering it, but missing them.

"It was definitely a war zone," he says. "I had a lot of friends who were shot at, so I wasn't surprised."

Yet he never unlisted his phone number. And Mary Frances remained active in the work with him. They stayed for three years.

"After a while, I could see that the work was so intense and so unrelenting that it has an effect. I began to feel like it was time to take a break."

They returned to Washington for several years. He was thrilled to work on hot national issues, but at times the work was abstract, less personal than toiling in legal trenches, working hands-on with clients who needed help.

And the couple wanted to start a family.

Yet Mary Frances suffered from juvenile diabetes. As a teenager, her doctor had said that she would die young and couldn't bear children. When they met, she'd already begun to feel the terrible disease's effects but didn't believe the doctor's dire prediction.

"She was active while being sick," Derfner smiles. "Her life was a miracle, too."

Mary Frances drove, even played baseball. And she wanted to have children.

But they didn't want to raise them in Washington and preferred to move south, closer to family and the civil rights work they loved. Her aunt was lieutenant governor, and her grandfather had been instrumental in restoring what became Charles Towne Landing.

In 1974, they made the move. Their first son, Joel, was a baby then. When Joel was born, doctors warned that he might not live because he was so premature. But he did.

And after they moved to Charleston, the Derfners welcomed their second son, Jeremy. Doctors again warned that the newborn might not live. He also survived.

Today, both sons live in New York. Joel, a Porter-Graud School valedictorian and Harvard summa cum laude graduate, composes musical theater. "I expect to see his name up in lights one of these days," Derfner says, smiling proudly.

Jeremy, named Porter-Gaud's best all-around, graduated from Brown University summa cum laude, wrote for *Slate* magazine and now is pursuing this Ph.D. at Columbia University.

When he moved to Charleston, Derfner joined a firm here with McCain and Frank Epstein working on civil rights and workers' rights cases. Twice he served as South Carolina's representative to the American Civil Liberties Union's national board.

Despite his liberal views in Charleston, Derfner says he never felt unwelcome. That may be thanks in part to his synagogue involvement and Mary Frances' family roots here.

Then in 1981, the Derfners returned to Washington for a third time to pursue a chance to extend the Voting Rights Act.

Derfner toiled from an office near the U.S. Capitol and taught at American University. He worked closely with Massachusetts Sen. Edward Kennedy and clashed with his home state's Sen. Storm Thurmond.

"He could be legitimately called one of the two or three most experienced and most effective attorneys in the area of voting rights in the country," McClain says.

But the Derfners returned, again, to Charleston. Soon after, around 1990, Mary Frances's diabetes ravaged her body.

She died in 1992 when she was just 45.

Joel was in college, and Jeremy in high school at Porter-Graud. "I think they were raising me," Derfner says, looking back on the painful time.

McClain recalls the years Derfner cared for his wife.

"He was very devoted," McClain says. "He grieved quite deeply for Mary Frances."

JOY IN LIFE

But then, in the mid-1990s, Derfner met a woman named Mary Giles. She worked at the S.C. Historical Society, which has archived some of Derfner's papers.

He became intrigued by this warm woman who found a fascinating life behind potentially dry documents. They began to date.

They married in 2000. Today, she works as archivist for the Catholic Diocese of Charleston.

Talking about her, Derfner grins big, like a boy with a giant crush. She's clearly returned joy to his life.

"She's an extraordinarily warm person," he says. "People are bulldozed by how close you feel to her. I know I was."

MESSAGE FROM THE HOUSE

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

At 1:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bills and joint resolutions:

S. 1010. An act to extend the deadline for commencement of construction of a hydroelectric project in the State of North Carolina.

S. 1226. An act to require the display of the POW/MIA flag at the World War II Memorial, the Korean War Veterans Memorial, and the Vietnam Veterans Memorial.

S. 1907. An act to direct the Secretary of the Interior to convey certain land to the city of Haines, Oregon.

S. 1946. An act to amend the National Trails System Act to designate the Old Spanish Trail as a National Historic Trail.

S. 2239. An act to amend the National Housing Act to simplify the downpayment requirements for FHA mortgage insurance for single family homebuyers.

H.J. Res. 124. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

H.R. 727. An act to amend the Consumer Product Safety Act to provide that low-speed electric bicycles are consumer products subject to such Act.

H.R. 2595. An act to direct the Secretary of the Army to convey a parcel of land to Chat-ham County, Georgia.

S. 3044. An act to authorize the Court Services and Offender Supervision Agency of the District of Columbia to provide for the interstate supervision of offenders on parole, probation, and supervised release.

S. 2712. An act to authorize economic and democratic development assistance for Afghanistan and to authorize military assistance for Afghanistan and certain other foreign countries.

S.J. Res. 53. A joint resolution relative to the convening of the first session of the One Hundred Eighth Congress.

S. 3156. An act to provide a grant for the construction of a new community center in St. Paul, Minnesota, in honor of the late Senator Paul Wellstone and his beloved wife, Sheila.

H.R. 3908. An act to reauthorize the North American Wetlands Conservation Act, and for other purposes.

H.R. 5504. An act to provide for the improvement of the safety of child restraints in passenger motor vehicles, and for other purposes.

The following enrolled joint resolutions, previously signed by the Speaker of the House, were signed on today, November 20, 2002, by the President pro tempore (Mr. BYRD).

H.J. Res. 124. A joint resolution making further continuing appropriations for the fiscal year 2003, and for other purposes.

S.J. Res. 53. A joint resolution relative to the convening of the first session of the One Hundred Eighth Congress.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC-9740. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Procedure 2002-70—Cost of Living Adjustments for 2003" received on November 7, 2002; to the Committee on Finance.

EC-9741. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Unit Livestock Price Method" (RIN1545-BA25) received on November 7, 2002; to the Committee on Finance.

EC-9742. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Notice 2002-72—Clarification of Accounting Period Change Guidance" received on November 7, 2002; to the Committee on Finance.

EC-9743. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Time for performing certain acts postponed by reason of service in a combat zone or a Presidentially declared disaster" (Rev. Proc. 2002-71) received on November 7, 2002; to the Committee on Finance.

EC-9744. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "October–December 2002 Bond Factor Amounts" (Rev. Ruling 2002-72) received on November 12, 2002; to the Committee on Finance.

EC-9745. A communication from the Chief, Regulations Unit, Internal Revenue Service,

Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revenue Ruling 2002-67—Donation of Used Vehicles to Charity" (Rev. Rul. 2002-67) received on November 12, 2002; to the Committee on Finance.

EC-9746. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 1.856-4; Rents from Real Property" ((Rev. Rul. 2002-38)(2002-26)) received on November 12, 2002; to the Committee on Finance.

EC-9747. A communication from the Chief, Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Weighted Average Interest Rate Update Notice" (Notice 2002-74) received on November 12, 2002; to the Committee on Finance.

EC-9748. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; End-Stage Renal Disease-Waiver of Condition for Coverage Under a State of Emergency in Houston, TX Area" (RIN0938-AK98) received on October 21, 2002; to the Committee on Finance.

EC-9749. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Change of Agency Name: Technical Amendments" (RIN0938-AL02) received on October 21, 2002; to the Committee on Finance.

EC-9750. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Payment for Nursing and Allied Health Education; Final Rule Medicare Program; Payment for Clinical Psychology Training Programs" (RIN0938-AE79) received on October 21, 2002; to the Committee on Finance.

EC-9751. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Correction of Certain Year 2002 Payment Rates Under the Hospital Outpatient Prospective Payment System and the Pro Rata Reduction on Transitional Pass-Through Payments; Correction of Technical and Typographical Errors (CMS-1159-F4)" (0938-AK54) received on October 21, 2002; to the Committee on Finance.

EC-9752. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Office of the Inspector General-Health Care; Medicare and Medicaid Programs; Peer Review Organizations: Name and Other Changes—Technical Amendments" (RIN0938-AL38) received on October 21, 2002.

EC-9753. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Fee Schedule for Payment of Ambulance Services and Revisions to the Physician Certification Requirements for Coverage of Non emergency Ambulance Services" (RIN0938-AK30); to the Committee on Finance.

EC-9754. A communication from the Regulations Coordinator, Centers for Medicare

and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Hospital Conditions of Participation; Anesthesia Services"; to the Committee on Finance.

EC-9755. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Physicians' Referrals to Health Care Entities with Which They Have Financial Relationships" (RIN0938-AG80) received on October 21, 2002; to the Committee on Finance.

EC-9756. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicaid Program; Use of Restraint and Seclusion in Psychiatric Residential Treatment Facilities Providing Psychiatric Services to Individuals Under Age 21" received on October 21, 2002; to the Committee on Finance.

EC-9757. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare and Medicaid Programs; Emergency Recertification for Coverage for Organ Procurement Organizations (OPO)" (RIN0938-AK81) received on October 21, 2002; to the Committee on Finance.

EC-9758. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program, Part A Premium for 2003 for the Uninsured Aged and for Certain Disabled Individuals Who have Exhausted Other Entitlement" (RIN0938-AL69) received on October 28, 2002; to the Committee on Finance.

EC-9759. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Negotiated Rule Making; Coverage and Administrative Policies for Clinical Diagnostic Laboratory Services" (RIN0938-AL03) received on October 21, 2002; to the Committee on Finance.

EC-9760. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Monthly Actuarial Rates and Monthly Supplementary Medical Insurance Premium Rate Beginning January 1, 2003 (CMS-8014-87)" (0938-AL63) received on October 28, 2002; to the Committee on Finance.

EC-9761. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Changes to the Hospital Outpatient Prospective Payment System and Calendar Year 2003 Payment Rates; and Changes to Payment suspension for Unfiled Cost Report (CMS-1206-FC & CMS-1179-F)" ((RIN0938-AL19)(0938-AK59)) received on November 7, 2002; to the Committee on Finance.

EC-9762. A communication from the Chief Counsel, Bureau of the Public Debt, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Sale and Issue of Marketable Book-Entry Treasury Bills, Notes and Bonds; Reporting of Net Long Position and Application of the 35 Percent Limit" received on November 7, 2002; to the Committee on Finance.